IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13299 of 2005

Between:

Sri P.Ananda Krishna, s/o Venkata Seshaiah,
Board of Trustees of Sri Moola Staneswara Swamy Devastanam,
Gudur, Nellore District.

..... PETITIONER

AND

1 The Assistant Commissioner of Endowments, Nellore, Nellore District.
2 The Executive Officer of Sri Moola Staneswara swamy Devastanam,
Gudur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a writ in the nature of writ of mandamus declaring the action of the first respondent in calling for applications for constituting a non-hereditary trust board to Sri Moola Staneswara Swamy Devastanam, Gudur, Nellore District by his proceedings Rc.No.A2/1869/200 , dated 20-05-2005 as bad, illegal, arbitrary and oppose to law and pass such other order or orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.M.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2 : Smt.N.Indrani

The Court , at the stage of admission, made the following :

ORDER:

Heard Sri.M.Vidya Sagar, learned counsel for the petitioner, learned Government Pleader for Endowments appearing on behalf of the first respondent and Smt.N.Indrani, for the second respondent and with their consent, the writ petition is disposed of at the stage of admission.

The grievance of the petitioner is that despite filing his representation to the first respondent to declare him as a Founder Trustee of Sri.Moolastaneswara Swamy Devasthanam in Gudur, as early as on 02.05.2005, the same has not been considered and instead the first respondent has issued Notice in RC.No. A2/1869/2005 dated 20.05.2005, calling for applications from interested persons for constituting a non-hereditary board of trustees of Sri Moolastaneswara Swamy Devasthanam, Gudur within a period of 15 days.

The learned counsel for the petitioner submits that though the said Notice is dated 20.05.2005 and though the period of 15 days prescribed therein has elapsed, till date no trust board has been constituted. He also submits that the said Devasthanam is a 6-C institution and as such the competent authority to determine the status of the Founder Trustees is the first respondent and not the Deputy Commissioner.

Learned Government Pleader states that since the petitioner is not a founder, as admittedly, he only renovated the temple and did not construct it, he would not be eligible to be declared as the Founder Trustee.

Needless to state that these are all matters for the first respondent, in his jurisdiction to decide. There shall be a direction to the first respondent to consider the representation of the petitioner dated 02.05.2005 and pass appropriate orders thereon within a period of three weeks from the date of receipt of a copy of this order and till the representation of the petitioner is disposed of by the first respondent, the post of the Chairman of the Board of Trustee of Sri Moolastaneswara Swamy Devasthanam shall not be filled up.

Learned Government Pleader draws my attention to Section 20 of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short “the Act”), which requires the Chairman to be appointed within a period of 60 days from the date the Board of Trustees is constituted. Learned counsel apprehends that

if the Board is constituted without a Chairman, there is a possibility of this statutory provision being violated. The first respondent has been directed to dispose of the representation of the petitioner within a period of three weeks from the date of receipt of a copy of this order. Learned Counsel for the petitioner undertakes to communicate the order of this Court within one week from today. The period of three weeks thereafter i.e., a total period of four weeks from today would be well within the limits of sixty days prescribed under Section 20 of the Act.

The writ petition is disposed of accordingly.

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24.06.2005

Note : Furnish C.C., by 27.04.2005.

(B/O)

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To

1 The Assistant Commissioner of Endowments, Nellore, Nellore District.
2 The Executive Officer of Sri Moola Staneswara swamy Devastanam, Gudur, Nellore District.

3 Two C.Cs to the G.P., for Endowments, High Court Buildings, Hyderabad (OUT),

4 2 CD copies.